

Connecticut General Assembly **ENERGY AND TECHNOLOGY COMMITTEE**  
Public Hearing Written Testimony for **March 8, 2022**

S.B. No. 278 (RAISED) AN ACT REQUIRING MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTORS TO PAY A COMMUNITY ACCESS PROGRAMMING FEE.

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**Multichannel Video Programming Distributors (MVPDs)** – collect subscription fees and deliver video programming. Use public rights of way to profit. They can include cable operators like Comcast, Cox, Altice, Carter and internet protocol television providers (IPTVs) like Frontier. They include internet-based programming services and are in a strong position and powerful gatekeepers concerning TV data.

**Community Access Providers (CAPs)** – Non-profit corporations or organizations responsible for community access operations and programming, or Public, Education & Government Access TV Stations (PEG). Regulated by the Public Utility Regulatory Authority (PURA) in CT.

**Subscriber** – Any Customer of MVPDs

**Federal Law** – Federal Communications Commission (FCC) requires MVPDs to make channel space available for Public, Education and Government Access TV Channels.

## **THE ISSUE**

**Legislative action is needed on laws written 30 years ago, before the internet was even invented, to avoid loopholes MVPDs are using to withdraw financial support for PEG that was originally intended. Local public TV will not survive without legislative action.**

- Consumption of television entertainment has changed drastically over the course of the last 20 years. The evolution of digital content has made viewing your favorite shows more convenient. No matter the generation, convenience drives technical advances. In the busy lives we all lead, consumers want to watch their content anywhere, at any time, and on any devices, they choose to use. No longer do we have to be in front of the television right at 8PM to watch our favorite show. We now have a choice thanks to the ever-growing changes of technology.
- MVPDs changed their designation in part because of the technical advances made by companies such as Netflix, Hulu, YouTubeTV, Sling and the hundreds of other companies who are embracing this digital course. Even Comcast created their own streaming platform, Peacock, in April 2020. If the distribution of video programming continues from MVPDs, will Local CAPs be left behind? The answer is a resounding YES! Two years ago, I presented to this committee an article about AT&T's streaming service (now re-branded to DirecTV Stream). This digital linear television platform is being marketed as a television platform, distributed throughout the state of Connecticut without oversight, and Frontier has since stopped selling their television service in lieu of selling this streaming service as their television platform.

### **ANY NEW FRONTIER CUSTOMERS ARE UNABLE TO RECEIVE PEG PROGRAMMING IN CONNECTICUT!**

- As MVPDs lose cable subscribers, PEG loses funding. PEGs in Connecticut have lost over \$1,278,147 dollars since 2017 and that number is only growing by the day without an end in sight.

## **SOLUTION**

**MODERNIZE AND CLARIFY THE LAW TO KEEP PEG FUNDING IN PACE WITH ADVANCING TECHNOLOGIES**

There has been precedent of technology changes put forth by the legislature previously. In 1998, PA 98-121 amended subsections A, K, and M by changing references to “video dial tone platforms or networks” to “open video systems.” This amendment modernized Section 16-331a back then when the technology changed.

We ask you to amend this law, now over 20 years since that last amendment and over 30 years since inception, to be concurrent with 2022 technology and community consumption of television entertainment. 911 laws have been updated with the implementation of cell phones into everyday life and the same can now be said for the enormous technical advancement of 5G.

### SUMMARY

**CONNECTICUT’S DIGITAL TOWN GREEN** – As public groups used to frequently meet on their town greens, in libraries, or community centers, now move online to social media groups like Facebook, PEG has also needed to move online to meet our community’s demand for content anywhere, anytime, and on any device, to better serve our subscribers.

- This digital movement is not new, it has been occurring for over a decade.
- From local newspapers to even paying your property taxes, local resources have moved online for the betterment and convenience of the community.

**CUTTING THE CORD’ SHOULDN’T CUT ACCESS TO PEG CONTENT** – Part of my position at Nutmeg TV is to listen to the needs of the people we serve and modify our company practices to better serve the people. As technology evolves, PEG needs to evolve with it.

- We work with citizens, educational institutions and government officials every day to improve how they receive their content. It is not because we are told to do so. It’s because it is what consumers are wanting in this ever changing, fast paced world of technical innovation. **COVID-19 has increased the need for on-demand LOCAL information.**
- PEG allow the only access to free, unfiltered, television entertainment. Free social media services like YouTube and Facebook can remove your content at any time. PEG cannot regulate the people’s content.

**HELP US MODERNIZE STATE LAW & PROTECT LOCAL PUBLIC PROGRAMMING** – Current law was written prior to the internet being released to the public (activated on August 6, 1991 and more widely available in 1993).

- Laws written three decades ago never envisioned how technology would bring a cable-free world to the palm of our hands. Even our phones are more powerful than any publicly available computer just 15 to 20 years ago.
- We want to work *with* the legislature to modernize Connecticut law so that support for local public programming does not erode simply because customers are migrating to anytime, anywhere, any device viewing.

I want to personally thank Energy & Technology’s Chairmen Arconti and Needleman, and Committee Members for bringing this crucial issue forward. Help bring this law into the 21<sup>st</sup> century.

Please support Raised SB No. 278.

PEG COMMUNITY TV – LOCAL, UNFILTERED, RELIABLE...AND YOURS!

Nutmeg Public Access Television, Inc. (Nutmeg TV) is the designated CAP for the cities and towns of Avon, Berlin, Bristol, Burlington, Canton, Farmington, New Britain and Plainville. Nutmeg TV operates exclusively as an educational, not-for-profit corporation to provide quality and innovative public, educational and government access television programming.

Nutmeg TV provides Comcast and Frontier with programming on both standard and high definition system tiers and provides on demand programming via its website, Facebook page and YouTube channel.